

1 J. TONY SERRA #32639
2 SARA ZALKIN #223044
3 506 Broadway
4 San Francisco CA 94133
5 Telephone: 415/986-5591

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8 Attorneys for Defendant
9 MICHAEL MARTIN

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15

16 UNITED STATES OF AMERICA,

17 CR 07-70574 WDB

18 Plaintiff,

19 v.

20 MICHAEL MARTIN, et al.,

21 Defendants.

22 **AMENDED THIRD STIPULATION TO
WAIVE TIME UNDER THE SPEEDY
TRIAL ACT WITH RESPECT TO
PRELIMINARY HEARING AND FILING
OF FURTHER CHARGING DOCUMENTS**

23

24 This matter is scheduled for preliminary hearing or
25 arraignment on Friday, December 14, 2007, at 10:00 a.m.

26 The government provided as discovery over 1,400 pages of
27 documents during the month of October. In early November, the
28 government provided 10 CD-ROMs containing photographs and video
recordings.

29 Additional discovery was produced as recently as December
30 5, 2007, consisting of further DEA-6 reports.

31 The parties have previously agreed and so stipulated to
32 waive time for the preliminary hearing in order for counsel to
33 have sufficient time to review the discovery and evaluate the
34 prospect of pre-indictment resolution.

1 The parties had scheduled a meeting wherein counsel for all
 2 parties would meet and confer.

3 However, the meeting did not go forward as planned, and as
 4 of the time of writing, the parties are attempting to
 5 reschedule.

6 The exclusion of additional time will facilitate the
 7 prospect of meaningful discussions which could obviate the need
 8 to consume judicial and public resources as well as some of the
 9 defendants' resources with respect to investigation and
 10 litigation of motions in preparation for trial.

11 In light of the foregoing, all of the defendants agree to
 12 waive the necessary additional time pursuant to Fed.R.Crim.P. 5
 13 and 18 U.S.C. § 3161, the Speedy Trial Act, such that the pre-
 14 liminary hearing be extended to January 29, 2008, at 10:00 a.m.

15 All of the defendants are out of custody on bond.
 16 Defendants each have consulted with their attorneys and
 17 understand that they have the right to a preliminary hearing or
 18 that further charging documents be presented and filed with the
 19 Court on the day of or before said preliminary hearing.

20 Pursuant to Fed.R.Crim.P. 5.1(d), the defendants knowingly and
 21 voluntarily waive their rights to a preliminary hearing on
 22 December 14, 2007, and agree to extend the time for preliminary
 23 hearing until January 29, 2008. The parties also agree that
 24 good cause exists to grant the extension in light of the ongoing
 25 discovery process and for the effective preparation of counsel
 26 for the defendants.

27 The parties jointly request that the time between December
 28 14, 2007, and January 29, 2008, be excluded under the Speedy

1 Trial Clock to allow defendants' counsel to review any
 2 additional discovery and effectively prepare, taking into
 3 account the exercise of due diligence. See 18 U.S.C. §§
 4 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the
 5 "ends of justice served by the granting of such continuance
 6 outweigh the best interests of the public and the defendant[s]
 7 in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

8 Dated: December 13, 2007
 9
 10 SCOTT N. SCHOOLS
 11 United States Attorney
 12 /s/ SHASHI KEWALRAMANI
 13 H.H. (SHASHI) KEWALRAMANI
 14 Assistant United States Attorney
 15 Attorney for the United States
 16
 17 /s/ SARA ZALKIN
 18 SARA ZALKIN
 19 Attorney for MICHAEL MARTIN
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 21 /s/ RANDOLPH E. DAAR
 22 RANDOLPH E. DAAR
 23 Attorney for JESSICA SANDERS
 24
 25 /s/ JEROME MATTHEWS
 26 JEROME MATTHEWS
 27 Attorney for MICHAEL ANDERSON
 28
 29 /s/ TED CASSMAN
 30 TED CASSMAN
 31 LAUREL HEADLEY
 32 Attorneys for DIALLO McLINN
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